

EXHIBIT 4

Klaiber, James R.

From: James F. McDonough, III <jmcdonough@hgdllawfirm.com>
Sent: Monday, August 9, 2021 6:13 PM
To: Klaiber, James R.
Cc: weinblatt@swdelaw.com; Travis Lynch; Jonathan Miller; stamoulis@swdelaw.com; Taylor, Justin; Russo, Lynn; Polka, Michael; Brian Farnan; Dabney, James W.; Michael J. Farnan; O'Connor, Suzanne
Subject: RE: DataCloud v. Squarespace: Case 1:21-cv-00164-LPS -- Motion to Amend/Correct Amended Complaint

CAUTION: This email was sent by someone outside of the Firm.

Jim,

Thanks for the email, but the reality is that it is a motion for leave to amend to fix a mistake, which will be supported by a declaration. If you read the remainder of each of those paragraphs, this is quite clear. In the sentence immediately following the text to which you are referring (in Paragraph 24, for example), the complaint states: "Even if any limitation and/or step of the claims is "functional"—and none are . . ." This indicates that Plaintiff was pleading that the limitations are not functional. Unfortunately, the two subject words were transposed, which Plaintiff noticed when Squarespace filed its brief.

In any event, I understand your email to mean you oppose the motion for leave to correct/amend.

Thank you,
Jim



James F. McDonough, III

Partner

3621 Vinings Slope, Suite 4320, Atlanta GA 30339

Tel: 404.996.0869 | Fax: 205.547.5504

jmcdonough@hgdllawfirm.com | www.hgdllawfirm.com

Alabama Georgia New York

From: Klaiber, James R. <james.klaiber@hugheshubbard.com>
Sent: Monday, August 9, 2021 5:50 PM
To: James F. McDonough, III <jmcdonough@hgdllawfirm.com>
Cc: weinblatt@swdelaw.com; Travis Lynch <tlynch@hgdllawfirm.com>; Jonathan Miller <jmiller@hgdllawfirm.com>; stamoulis@swdelaw.com; Taylor, Justin <justin.taylor@hugheshubbard.com>; Russo, Lynn <lynn.russo@hugheshubbard.com>; Polka, Michael <michael.polka@hugheshubbard.com>; Klaiber, James R. <james.klaiber@hugheshubbard.com>; Brian Farnan <bfarnan@farnanlaw.com>; Dabney, James W. <james.dabney@hugheshubbard.com>; Michael J. Farnan <mfarnan@farnanlaw.com>; O'Connor, Suzanne <Suzanne.O'Connor@hugheshubbard.com>
Subject: RE: DataCloud v. Squarespace: Case 1:21-cv-00164-LPS -- Motion to Amend/Correct Amended Complaint

Counsel,

The allegations in paragraphs 24, 32, 40, 54, 62, 70, and 84 of the First Amended Complaint do not appear to us to reflect any supposed “transposition error.”

Your email heralds a motion for leave to retract what the Plaintiff alleged in paragraphs 24, 32, 40, 54, 62, 70, and 84 of the First Amended Complaint and to allege that the truth is literally the opposite of what Plaintiff alleged in those paragraphs.

Please identify, by the column and line numbers of the asserted patents, any physical structure or computer program code that Plaintiff relies on as support for the proposed new allegations.

Thank you.

Regards,

Jim Klaiber

James R. Klaiber | Counsel

Hughes Hubbard & Reed LLP

One Battery Park Plaza, 11th floor | New York | NY 10004-1482

Office +1 (212) 837-6125 | Cell +1 (718) 710-7460

james.klaiber@hugheshubbard.com | bio

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From: James F. McDonough, III <jmcdonough@hgdllawfirm.com>

Sent: Thursday, August 5, 2021 4:25 PM

To: Brian Farnan <bfarnan@farnanlaw.com>; Dabney, James W. <james.dabney@hugheshubbard.com>; Klaiber, James R. <james.klaiber@hugheshubbard.com>; Taylor, Justin <justin.taylor@hugheshubbard.com>; Russo, Lynn <lynn.russo@hugheshubbard.com>; Michael J. Farnan <mfarnan@farnanlaw.com>

Cc: weinblatt@swdelaw.com; Travis Lynch <tlynch@hgdllawfirm.com>; Jonathan Miller <jmiller@hgdllawfirm.com>; stamoulis@swdelaw.com

Subject: DataCloud v. Squarespace: Case 1:21-cv-00164-LPS -- Motion to Amend/Correct Amended Complaint

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Counsel,

As you all noticed, there was a transposition error made in DataCloud’s First Amended Complaint, which was reproduced at Paragraphs 24, 32, 40, 54, 62, 70, and 84. DataCloud intends to move for leave to correct/amend the complaint to correct that error. Specifically, the words “are” and “do” in the Amended Complaint were transposed (and reproduced) in

error. The amended/corrected complaint will correct that error in each of the Paragraphs identified above, as follows:

Original: “defined by what they do (not what they are)”

Corrected: “defined by what they ~~do~~ **are** (not what they ~~are~~ **do**)”

It should be clear from the remainder of each of those paragraphs that these two words were transposed, and DataCloud intends to submit a declaration conceding and confirming that these two words were transposed in error.

In terms of how this would affect the Motion for Judgment, we still intend to respond to that motion, but with reference the error and noting that DataCloud is concurrently seeking to correct the error with an amended/corrected complaint. In other words, if Squarespace agreed not to oppose the amendment, it would not argue that the current motion is mooted for that reason. Instead, it would still respond to the motion, but it would note that the language at issue was transposed in error and would argue based on the corrected language.

Please let us know if you will oppose a motion for leave to file a corrected complaint as described above?

Best,
Jim



James F. McDonough, III

Partner

3621 Vinings Slope, Suite 4320, Atlanta GA 30339

Tel: 404.996.0869 | Fax: 205.547.5504

jmcdonough@hgdllawfirm.com | www.hgdllawfirm.com

Alabama

Georgia

New York

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